

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE WAY INTERNATIONAL,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-518-GMS
)	
CARL A. TURNER, Sr. and THE WAY)	
MINISTRIES, INC.,)	
)	
Defendants.)	

MOTION FOR DEFAULT JUDGMENT

On November 5, 2007, the Clerk of the Court entered a default against Defendants, Carl A. Turner, Sr. and The Way Ministries, Inc. (collectively and individually, "Defendants"). (D.I. 12). Pursuant to Federal Rule of Civil Procedure 55(b), and for the reasons stated in the accompanying Memorandum in Support of Plaintiff's Motion for Default Judgment filed contemporaneously herewith, Plaintiff, The Way International ("The Way"), moves this Court for entry of default judgment against Defendants, ordering:

1. That Defendants and their agents, servants, employees, representatives, successors, and assigns and all other persons, firms, or corporations in active concert or participation with Defendants who receive actual notice of this Order are hereby permanently enjoined from:
 - (a) directly or indirectly engaging in unfair competition with Plaintiff by means of any activities, including, but not limited to, conducting, promoting, and/or advertising their business and/or services under the mark "The Way Ministries," or the domain name <the way.ws> or any other name or mark utilizing any variation of Plaintiff's THE WAY marks;

- (b) using Plaintiff's THE WAY Marks and/or any marks confusingly similar thereto, or any reproduction, counterfeit, copy, or colorable imitation thereof, in connection with conducting, promoting, and/or advertising any religious or spiritual services of any nature, including religious educational services and related materials;
- (c) directly or indirectly engaging in unfair competition with Plaintiff in any manner, including distributing print, broadcast, or other forms of advertising or promotional materials, including but not limited to website and e-mail advertising and promotional material, which in any manner misrepresent the nature, characteristics, qualities, or source of their services, or make use of Plaintiff's THE WAY Marks;
- (d) engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead, or deceive consumers, Defendants' customers and/or subscribers, and/or members of the public to believe that, the actions of Defendants, or the services or products sold or offered by Defendants, are connected with Plaintiff, are sponsored, approved, or licensed by Plaintiff, or are in some way connected or affiliated with Plaintiff.

2. That the domain name <theway.ws> be transferred from Defendants to Plaintiff,

and that Defendants take all steps necessary to effectuate that transfer.

3. That Plaintiff have such other relief as this Court may deem just and proper.

A proposed Order is attached for the Court's convenience as Exhibit 1.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

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Brandt W. Gebhardt
BAKER & HOSTETLER LLP
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1900 East 9th Street
Cleveland, Ohio 44114
Tel: (216) 621-0200

Dated: November 15, 2007
832270 / 32139

By: /s/ Richard L. Horwitz
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Attorneys for Plaintiff The Way International

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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on November 15, 2007, a copy of the foregoing document was served upon Defendants by U.S. First Class Certified Mail (return receipt requested) at the following addresses of record and was electronically filed with the Clerk of the Court using CM/ECF:

VIA FIRST CLASS MAIL

Carl A. Turner, Sr.
1 Yorkshire Court
Bear, DE 19701

The Way Ministries, Inc.
c/o Carl A. Turner, Sr.
1 Yorkshire Court
Bear, DE 19701

/s/ Richard L. Horwitz
Richard L. Horwitz
Kenneth L. Dorsney
Potter Anderson & Corroon LLP
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Plaintiff,)
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CARL A. TURNER, Sr. and THE WAY)
MINISTRIES, INC.,)
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Defendants.)

ORDER

This matter is before the Court on Plaintiff's Motion for Default Judgment filed against the Defendants, Carl A. Turner, Sr. and The Way Ministries, Inc. (collectively and individually, "Defendants"). Having reviewed the motion and supporting memorandum filed by Plaintiff The Way International ("The Way"), and pursuant to Federal Rule of Civil Procedure 55(b), IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

1. Plaintiff's Motion for Default Judgment is GRANTED;
2. Defendants and their agents, servants, employees, representatives, successors, and assigns and all other persons, firms, or corporations in active concert or participation with Defendants who receive actual notice of this Order are hereby permanently enjoined from:
 - (a) directly or indirectly engaging in unfair competition with Plaintiff by means of any activities, including, but not limited to, conducting, promoting, and/or advertising their business and/or services under the mark "The Way Ministries," or the domain name <the way.ws> or any other name or mark utilizing any variation of Plaintiff's THE WAY marks;

- (b) using Plaintiff's THE WAY Marks and/or any marks confusingly similar thereto, or any reproduction, counterfeit, copy, or colorable imitation thereof, in connection with conducting, promoting, and/or advertising any religious or spiritual services of any nature, including religious educational services and related materials;
- (c) directly or indirectly engaging in unfair competition with Plaintiff in any manner, including distributing print, broadcast, or other forms of advertising or promotional materials, including but not limited to website and e-mail advertising and promotional material, which in any manner misrepresent the nature, characteristics, qualities, or source of their services, or make use of Plaintiff's THE WAY Marks;
- (d) engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead, or deceive consumers, Defendants' customers and/or subscribers, and/or members of the public to believe that, the actions of Defendants, or the services or products sold or offered by Defendants, are connected with Plaintiff, are sponsored, approved, or licensed by Plaintiff, or are in some way connected or affiliated with Plaintiff.

3. The domain name <theway.ws> be transferred from Defendants to Plaintiff, and that Defendants take all steps necessary to effectuate that transfer.

IT IS SO ORDERED, this ____ day of November, 2007.

United States District Judge

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